

EXHIBIT A

Deposition Transcript

Case Number: 1:21-CV-03811 (PKC) (SJB)

Date: May 17, 2022

In the matter of:

Presti, et al. v City of New York, et al.

Joseph Fucito

**CERTIFIED
COPY**

Reported by:

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JOSEPH FUCITO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DANIEL PRESTI AND LOUIS GELORMINO,

PLAINTIFFS,

-against- Case No.:

1:21-CV-03811(PKC)(SJB)

CITY OF NEW YORK, BILL de BLASIO, MAYOR OF
NEW YORK CITY, (IN HIS OFFICIAL CAPACITY),
OFFICE OF THE SHERIFF OF THE CITY OF NEW
YORK, SHERIFF JOSEPH FUCITO (INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY), SERGEANT
KENNETH MATOS (INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY), SERGEANT RICHARD
LEBLOND (INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY), SERGEANT FURNEY CANTEEN
(INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY), DEPUTY SHERIFF MATT ANSELME
(INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY), AND DEPUTY SHERIFF RUESHIEM
JONES (INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY), AND OTHER DOES 1-10,

DEFENDANTS.

-----X

DATE: May 17, 2022

TIME: 1:37 P.M.

JOSEPH FUCITO

DEPOSITION of the Defendant,
JOSEPH FUCITO, taken by the Plaintiff,
pursuant to an agreement and to the Federal
Rules of Civil Procedure, held at the
remotely, before Galit Pinson, a Notary
Public of the State of New York.

JOSEPH FUCITO

A P P E A R A N C E S:

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OF NEW YORK CITY, (IN HIS OFFICIAL

CAPACITY), OFFICE OF THE SHERIFF OF THE

CITY OF NEW YORK, SHERIFF JOSEPH FUCITO

(INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), SERGEANT KENNETH MATOS

(INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), SERGEANT RICHARD LEBLOND

(INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), SERGEANT FURNEY CANTEEN

(INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), DEPUTY SHERIFF MATT ANSELME

(INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), AND DEPUTY SHERIFF RUESHIEM

JONES (INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY), AND OTHER DOES 1-10

100 Church Street

New York, New York 10007

BY: JOSEPH PEPE, ESQ.

* * *

1 JOSEPH FUCITO

2 A. I couldn't remember everyone.

3 Q. Whomever you remember. You
4 said you remember --

5 A. I think it was the chief of the
6 police department. There were several
7 members of the police department, several
8 members of the fire department, several
9 members of the health department, several
10 members of the facilities department. I
11 think there was somebody from the office of
12 emergency management, several deputy
13 mayors, along those lines.

14 Q. Were there any other members of
15 the New York City Sheriff's Office besides
16 you?

17 A. No.

18 Q. Did there come a time after
19 this phone call when you either spoke with
20 or met with Mayor de Blasio?

21 A. Yes.

22 Q. When?

23 A. I think it was at some press
24 event. He called me down to speak about
25 some of the things that we were doing with

1 JOSEPH FUCITO

2 COVID-19. The checkpoints is the one I
3 remember popping in my head.

4 Q. Do you remember when that was?

5 A. No.

6 And then he also called me
7 about fireworks interdiction.

8 Q. So were those two separate
9 calls, sir?

10 A. Yes.

11 Q. Let's talk about the first one.

12 Approximately how long after
13 that all-law-enforcement-head call was it
14 that you had this phone call with Mayor de
15 Blasio?

16 A. I don't recall.

17 Q. And you said you were asked to
18 come down to --

19 A. To city hall.

20 Q. So was it a phone call, then,
21 or you met with him?

22 A. It was a very brief phone call,
23 and then I met him. He had a -- he would
24 have these daily press conferences, and he
25 would have different heads of agencies

1 JOSEPH FUCITO

2 there. And people would ask questions.

3 Q. So were you present at the
4 press conferences?

5 A. Several of them. Yes.

6 Q. So I guess now I'm just talking
7 about the first time that you met with
8 Mayor de Blasio after that
9 all-law-enforcement call.

10 A. Right.

11 Q. Do you remember the subject of
12 the press conference?

13 A. It was always COVID-related. I
14 know one of the topics was the checkpoints.
15 That was one of them. Then another of the
16 press conferences was about fireworks. We
17 formed the fireworks task force.

18 Q. So you talked about two times
19 that you spoke with Mayor de Blasio before.

20 Are these the two times you
21 just testified right now, one about
22 checkpoints and one about fireworks?

23 MR. PEPE: Objection.

24 A. Yes.

25 Q. How many -- if you recall, how

1 JOSEPH FUCITO

2 many press conferences in 2020 did you
3 attend with Mayor de Blasio?

4 A. Four, maybe five. Nothing
5 more. Not more than that.

6 Q. The first one of those was in
7 the spring of 2020?

8 A. No. I think it was further on.
9 Maybe May, June.

10 Q. And then the last one of those,
11 if you remember?

12 A. The fall.

13 Q. So one, to the best of your
14 recollection, was about checkpoints. And
15 I'll ask about what you mean by that in a
16 second. The second one was fireworks
17 interdiction?

18 A. Right.

19 Q. Was that around July 4th?

20 MR. PEPE: Objection.

21 (Whereupon, an off-the-record
22 discussion was held.)

23 Q. So the second one, sir, was --
24 which regarded fireworks, was sometime
25 close to but before July 4th; is that

1 JOSEPH FUCITO

2 correct?

3 A. Yes.

4 Q. The third one, to the best of
5 your recollection, when was that?

6 A. August.

7 Q. Do you remember what it was
8 about?

9 A. No.

10 It was related to COVID.

11 Q. The fourth one, to the best of
12 your recollection, when was that?

13 A. Sometime in the fall.

14 I think it was related to
15 COVID, as well.

16 Q. What specifically related to
17 COVID, do you remember?

18 A. No.

19 Q. Do you remember --

20 A. Well, there was one we talked
21 at some point there was going to be a
22 possible reprieve of the eviction
23 moratorium. I remember I was going in to
24 answer some questions on those.

25 Q. Was that the fourth one, do you

1 JOSEPH FUCITO

2 remember?

3 A. I don't know the order, but I
4 know one of them is about -- we had studied
5 about eviction moratorium.

6 Q. And I think your testimony was
7 there might have been a fifth one, but
8 you're not sure, right?

9 A. Yeah.

10 Q. When was the latest one, to the
11 best of your recollection, in 2020?

12 A. The fall.

13 Q. At each of these press
14 conferences, the four or five of them, you
15 met with the mayor, correct?

16 A. Yes.

17 Q. How long, if at all, would you
18 meet with the mayor prior to the press
19 conference?

20 A. A minute, two minutes before.

21 Q. With all of them?

22 A. Yes.

23 Q. And with all of them that we
24 can break it down, did you have any
25 meetings or discussions with the mayor

1 JOSEPH FUCITO

2 after the press conferences?

3 A. Goodbye, hope your family is
4 well. Small talk.

5 Q. But no meetings?

6 A. No.

7 Q. Besides those press
8 conferences, during 2020 -- withdrawn.

9 Besides the phone call with all
10 the law enforcement and those press
11 conferences, did you have any phone calls
12 with the mayor in 2020, to the best of your
13 recollection?

14 A. Yes.

15 Q. Approximately how many?

16 A. Four.

17 Q. Do you remember when?

18 MR. PEPE: Objection.

19 A. I know in the summertime, some
20 of the COVID calls the mayor would jump on.
21 We had one in the fall. The fall that year
22 was still a little hot, and people were
23 getting out and going to the park. So
24 there was another call, group call. The
25 last phone call, I believe, in 2020, was

1 JOSEPH FUCITO

2 related to the enforcement of a vacate
3 order.

4 Q. Was that vacate order related
5 to Officer Danny Presti?

6 A. Yes.

7 Four calls for the whole year.

8 Q. So let's put aside the vacate
9 call, the Presti call, and the issues
10 there.

11 The others, were any of those
12 one-on-one?

13 A. One of them was.

14 Q. Regarding what topic?

15 A. I think it was the eviction
16 moratorium.

17 Q. And do you remember when that
18 was?

19 A. No.

20 Q. Besides those press conferences
21 and calls, did you ever meet the mayor in
22 person?

23 MR. PEPE: Objection.

24 A. Then or at other times?

25 Q. I'm sorry. I'll be more

1 JOSEPH FUCITO

2 specific.

3 So I'm just talking about in
4 2020 now.

5 You met the mayor at press
6 conferences, correct?

7 A. Yes.

8 Q. Besides the press conferences,
9 in 2020, did you meet with the mayor at any
10 time?

11 A. No.

12 Q. Besides the calls you testified
13 to and the press conferences, did you have
14 any other communication with the mayor,
15 including via e-mail?

16 MR. PEPE: Objection.

17 A. No.

18 Q. Did you have a contact in the
19 mayor's office that you had any --
20 withdrawn.

21 Was there a specific person in
22 the mayor's office that you had any contact
23 with besides the mayor?

24 A. The deputy mayors and their
25 chiefs of staff.

1 JOSEPH FUCITO
2 MR. PEPE: Objection.
3 A. Correct.
4 Q. Do you know why the mayor
5 didn't use the New York City Police
6 Department to run these checkpoints?
7 MR. PEPE: Objection.
8 A. No.
9 Q. Did anyone discuss with you why
10 it was the sheriff's office that was being
11 used to enforce these checkpoints?
12 A. Yes.
13 Q. Who?
14 A. I think it was the mayor's
15 counsel and the deputy mayor's office.
16 Q. Who was the mayor's counsel?
17 A. A gentleman named Mr. Longini.
18 Q. Can you spell that name for me?
19 A. L-O-N-G-I-N-I.
20 Q. And I'm sorry. Who else, a
21 deputy mayor, you said?
22 A. The deputy mayor.
23 Q. Which deputy mayor?
24 A. Deputy Mayor Stamp wasn't the
25 deputy mayor. I don't remember which one

1 JOSEPH FUCITO
2 was in office, if it was the first deputy
3 mayor.

4 Q. Who was the first deputy mayor
5 at this time, in the summer of 2020?

6 A. I'm trying to remember his
7 name. I can't think of his name. I know
8 he's the first deputy.

9 Q. So it wasn't the first deputy
10 mayor but someone in the first deputy
11 mayor's office?

12 A. Right.

13 Q. That person and the counsel
14 spoke with you, sir?

15 A. Yes.

16 Q. And what did they say?

17 MR. PEPE: Objection, calls for
18 privileged information present on the
19 call with mayor's counsel,
20 Mr. Longini.

21 Q. Sir, I'm going to ask you some
22 questions. And right now I'm not asking
23 about what people said.

24 Was this a phone call?

25 A. Yes.

1 JOSEPH FUCITO

2 Q. Approximately how long did the
3 phone call last, if you recall?

4 A. Twenty minutes.

5 Q. Who called whom?

6 A. I believe they called me.

7 Q. Were they both on the line
8 together when they called you?

9 A. Yes.

10 Q. This was before or after the
11 press conference related to the
12 checkpoints?

13 MR. PEPE: Objection.

14 A. Before.

15 Q. Do you know about how long
16 before in terms of time?

17 A. No.

18 Q. Was it close in time, though, a
19 matter of days or a week or so?

20 MR. PEPE: Objection.

21 A. I know it was around the time
22 that we were set to do the checkpoints at
23 some point. I don't know at what point.

24 Q. Had you ever had any
25 communications with the mayor's counsel

1 JOSEPH FUCITO

2 prior to that time?

3 A. Yes.

4 Q. Regarding what?

5 MR. PEPE: Objection, again,
6 calls for privileged information.

7 MR. BALESTRIERE: Sorry. I
8 didn't mean for that to happen.

9 When, is my question.

10 Q. So when, prior to this call --
11 I just want to make sure I have the names.
12 We have Longini and someone from the first
13 deputy mayor's office, but you're not sure
14 who?

15 MR. PEPE: Objection.

16 Q. Man or woman?

17 MR. PEPE: Objection.

18 A. Many.

19 Q. There was more than one person
20 on the call besides --

21 MR. BALESTRIERE: Let me finish
22 the question, Counsel.

23 Q. So you have the counsel.

24 That's Mr. Longini, right?

25 A. Correct.

1 JOSEPH FUCITO

2 Q. How many people were on the
3 call beside you and Mr. Longini?

4 MR. PEPE: Objection. Time
5 frame.

6 A. I spoke to Mr. Longini many
7 times. Different times there would be
8 other members of the mayor's counsel, like
9 deputy counsel, on the phone. And then
10 other times it would be both male and
11 female members of the first deputy mayor's
12 office.

13 Q. So now I'm talking about the
14 phone call that we started this discussion
15 with, which was regarding the checkpoints.

16 Mr. Longini and others called
17 you regarding the checkpoints, correct?

18 A. Correct.

19 Q. On that call, besides you and
20 Mr. Longini, how many other people were on
21 the call?

22 A. I don't remember. There was
23 more than me and Mr. Longini. I just don't
24 know the number.

25 Q. Was it only one or multiple

1 JOSEPH FUCITO

2 Q. And did you speak with anyone
3 at the mayor's office during that time?

4 A. Yes.

5 Q. Who?

6 A. I spoke with a member of the
7 Kapil Longini's team. I don't remember the
8 attorney, but one of the attorneys in that
9 matter. And I spoke to the mayor, because
10 I believe the vacate order happened in
11 between those events.

12 Q. So with regards to someone --
13 it wasn't Mr. Longini, correct, that you
14 spoke to, or it was?

15 A. It may have been Longini. But
16 I had another conversations with one of his
17 deputies.

18 Q. Between the undercover
19 operation and December 4th?

20 A. Yes.

21 Q. How many conversations did you
22 have with those in the counsel's office, to
23 the best of your recollection?

24 MR. PEPE: Objection.

25 A. Three.

1 JOSEPH FUCITO

2 Q. What did you do in response to
3 those conversations, to the best of your
4 recollection?

5 MR. PEPE: Objection.

6 A. The request to enforce the
7 vacate order was given to us. And we met
8 with the police department to carry out the
9 enforcement of the vacate order.

10 Q. Who in the police department?

11 A. It was the local precinct.

12 Q. Do you remember which one?

13 A. No. I don't know if it was the
14 120 or the 121.

15 Q. And who did you speak to at the
16 local precinct?

17 A. I didn't speak. I sent the
18 undersheriff, Julio Lopez.

19 Q. Do you know, did Undersheriff
20 Lopez speak to the commanding officer of
21 that precinct, do you know?

22 A. I don't know. But I know he
23 spoke with high-level ranking members of
24 the precinct, but I couldn't tell you who
25 they were.

1 JOSEPH FUCITO

2 Q. Do you know what they
3 discussed? Withdrawn.

4 Do you know what Undersheriff
5 Lopez and those at the precinct discussed?

6 MR. PEPE: Objection.

7 A. They discussed the enforcement
8 of the vacate order.

9 Q. Who issued the actual vacate
10 order, do you know?

11 A. The Buildings Department. And
12 there were some type of health order, as
13 well, that said that they were prohibited
14 from working -- if I remember, about the
15 time of the vacate order, there was a
16 vacate order, there was a Health Department
17 order, and there was a State Liquor
18 Authority order, and then also a State
19 Health Order.

20 Q. You said you also actually did
21 speak with the mayor, correct?

22 A. Yes.

23 Q. When was that?

24 A. Either day of -- there was
25 going to be a protest outside of Mac's Pub.

1 JOSEPH FUCITO

2 Q. So is this before December 4th,
3 do you remember?

4 A. I believe so.

5 Q. Did the mayor contact you?

6 A. Yes.

7 Q. What did you discuss?

8 MR. PEPE: Objection, to the
9 extent it calls for privileged
10 material, if counsel was on that
11 call.

12 Perhaps rephrase it or ask --

13 Q. Well, you said the mayor called
14 you.

15 Was anyone else on the call?

16 A. His counsel may have been on
17 the phone call. I don't know.

18 Q. Well, I mean, that is important
19 here.

20 Prior to your lawyer bringing
21 up counsel, you had not.

22 So what do you remember the
23 mayor telling you?

24 A. The mayor asked me to enforce
25 the vacate order.

1 JOSEPH FUCITO

2 Q. How long was that conversation?

3 A. Thirty seconds.

4 Q. Did the mayor simply call you?

5 Is that how this came about?

6 A. Yes.

7 Q. What else, if anything, did you
8 discuss?

9 A. That was about it. I asked if
10 I could have the police department assist,
11 and he said yes.

12 Q. And did the police department
13 assist?

14 A. Yes.

15 Q. So the meeting that you
16 discussed between the undersheriff and the
17 police department, did that take place
18 after the meeting -- withdrawn -- did that
19 take place after the call with the mayor?

20 MR. PEPE: Objection.

21 A. Yes.

22 Q. How did the police department
23 assist?

24 A. They provided officers.

25 Q. For what?